



## **Michigan Supreme Court**

State Court Administrative Office

### **Trial Court Services Division**

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

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## **MEMORANDUM**

DATE: January 5, 2006

TO: All Judges  
cc: Court Administrators  
Probate Registers  
Clerks of Court  
District Court Magistrates

FROM: Nial Raaen, Director

RE: 2005 Public Act 326; Revisions to the Revised Judicature Act

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2005 Public Act 326, effective December 27, 2005, makes a number of changes to the Revised Judicature Act.

### **All Courts**

Courts now have the authority to use their contempt powers to encourage payment of court-ordered money. Under the previous law, use of contempt powers, which allows a court to punish by ordering fines, imprisonment, or both, was limited to cases where the sum could not be collected by execution. The revised law removes that limitation. MCL 600.1701(e).

### **Probate Court**

Fees paid to the Probate Court based on the value of assets in a decedent's estate must now be rounded to the whole dollar. MCL 600.871(2).

MCL 600.411 was amended to allow concurrent jurisdiction plans to provide a probate judge of a county described in MCL 600.810a with the jurisdiction, powers, and duties of a district judge within that county, including small claims and civil infraction actions and the power of appointment to a public office delegated by constitution or statute to the district judge.

### **District and Municipal Court**

The amended statute allows a court to order documents, records, recordings, and notes related to civil infractions to be destroyed three years after the entry of a finding in the action. Previously, the statute required such records to be maintained six years. However, district and municipal courts must still follow the instructions for item 82, Unsatisfied Civil Infraction Judgments, in the *General Schedule No. 16, Records Retention and Disposal Schedule for Michigan Trial Courts*. MCL 600.8344.

A district court magistrate who files or renews a bond after December 31, 2005, must file the bond with the district funding unit of that district. The bond shall also apply to service in a multiple district plan. MCL 600.8507.

District court magistrates are no longer required to maintain a docket on forms approved by the Supreme Court. MCL 600.8555 repealed.

### **Miscellaneous Provisions**

Conservation officers of the Department of Natural Resources now have authority to serve civil process in the district court in any action to which the state is a party. Previously, only Michigan State Police officers could do so. MCL 600.8321(1).

A person who is not a resident of Michigan may post recognizance for appearance for a state civil infraction citation. The recognizance amount may not exceed \$100.00. The officer receiving the recognizance shall provide a receipt to the person, and the deposit and citation shall be filed with the court. If the person who posts a deposit fails to appear as required by the citation or for a scheduled informal or formal hearing, the court shall enter a default judgment, and the money deposited shall be forfeited and applied to any civil fine or costs ordered. MCL 600.8808.

Please address your questions to the following persons:

Circuit Court, Dawn Childress, 517-373-3756  
District and Municipal Court, Sandi Hartnell, 517-373-0122  
Probate Court, Jean Mahjoory, 517-373-3769